

## PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

**Par. 9.** The authority citation for part 602 continues to read as follows:

**Authority:** 26 U.S.C. 7805.

**Par. 10.** Section 602.101 (c) is amended by adding the following entries in numerical order to the table to read as follows:

### § 602.101 OMB Control numbers.

* * * * *				
(c) * * *				
CFR part or section where identified and described	Current OMB control number			
* * * * *	* * * * *			
1.1254-1(c)(3) .....	1545-1352			
1.1254-5(d)(2) .....	1545-1352			
* * * * *	* * * * *			

**Margaret Milner Richardson,**  
*Commissioner of Internal Revenue.*  
Approved: November 22, 1994.

**Leslie B. Samuels,**  
*Assistant Secretary of the Treasury.*  
[FR Doc. 95-172 Filed 1-9-95; 8:45 am]  
BILLING CODE 4830-01-U

## FEDERAL MEDIATION AND CONCILIATION SERVICE

### 29 CFR Part 1425

#### Mediation Assistance in the Federal Sector

**AGENCY:** Federal Mediation and Conciliation Service.

**ACTION:** Final rule.

**SUMMARY:** This final rule is published in order to renew *Form F-53, Notice to Federal Mediation and Conciliation Service.*

Pursuant to the Paperwork Reduction Act (44 U.S.C. Chapter 35), the Federal Mediation and Conciliation Service submitted its final rule to the Office of Management and Budget (OMB) on November 2, 1994 and received its approval on November 23, 1994 for the use of F-53 through November 30, 1997.  
**EFFECTIVE DATE:** February 9, 1995.

**FOR FURTHER INFORMATION CONTACT:** Eileen Hoffman, (202) 653-5305.

**SUPPLEMENTARY INFORMATION:** November 4, 1994, FMCS published a notice of proposed rulemaking in the **Federal Register** (59 FR 55268). This notice was published in order to extend FMCS Form F-53, which is used for

notification of contract expirations or reopener in the Federal service, and to revise the text of 29 CFR 1425, which accompanies the illustration of Form F-53 in the agency's regulations (29 CFR 1425.2).

Form F-53 is made available to assist Federal agencies and labor organizations to obtain FMCS services, as provided for in the Title 5 U.S.C. Section 7119(a). The revision of Form F-53 allows parties to more clearly and accurately state the service requested and arranges information in a manner which aids in entry of data into FMCS computer records. The revised version of Form F-53 is shown below in this rule for purposes of identification.

A summary of information pertaining to Form F-53 is as follows:

**Form number:** FMCS F-53, OMB 3076-0005.

**Frequency:** On occasion.

**Respondent:** Parties to a Federal Sector dispute or grievance.

**Obligation:** Voluntary.

**Binder:** Approximately 600 responses per year; approximately 100 reporting hours per year; approximately 15 minutes per response.

**Need and Use:** The information is needed to advise FMCS of Federal Sector disputes pursuant to 29 CFR Part 1425 paragraph 1425.3. It is used in order to make assignments of cases to FMCS mediators.

**Comments:** No comments were received on the proposed form as it is no change from existing form.

### Executive Order 12291

This rule is not a "major rule" under Executive Order 12291 because it is not likely to result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) a significant decline in productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

### Paperwork Reduction Act Notice

The collection of information in this rule was submitted to the Office of Management and Budget under section 3504(h) of the Paperwork Reduction Act [44 U.S.C. 3501 et seq.]. Comments regarding any aspect of this information collection should be submitted to the Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, DC 20427, Attention: Eileen B. Hoffman, and the Office of

Management and Budget, Attention: Desk Officer for FMCS, OMB room 3001, Washington, DC 20503.

### Regulatory Flexibility Act Certification

The FMCS finds that this rule will have no significant economic impact on a substantial number of small entities within the meaning of section 3(a) of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164 [5 U.S.C. 605(g)], and will so certify to the Chief Counsel for Advocacy of the Small Business Administration. This conclusion has been reached because the proposed rule does not, in itself, impose any additional economic requirements upon small entities. Accordingly, no regulatory flexibility analysis is required.

### List of Subjects in 29 CFR Part 1425

Administrative practice and procedure, collective bargaining, Labor-management relations.

Dated: December 14, 1994.

**John Calhoun Wells,**  
*Director, FMCS.*

Accordingly, 29 CFR Part 1425 is amended as follows:

## PART 1425—MEDIATION ASSISTANCE IN THE FEDERAL SERVICE

1. The authority citation for 29 CFR Part 1425 is revised to read as follows:

**Authority:** 5 U.S.C. 581(8), 7119, 7134.

2. Section 1425.2 is revised to read as follows:

### § 1425.2 Notice to the Service of agreement negotiations.

(a) In order that the Service may provide assistance to the parties, the party initiating negotiations shall file a notice with the FMCS Notice Processing Unit, 2100 K Street, N.W., Washington, D.C. 20427, at least 30 days prior to the expiration or modification date of an existing agreement, or 30 days prior to the reopener date of an existing agreement. In the case of an initial agreement the notice shall be filed within 30 days after commencing negotiations.

(b) Parties engaging in mid-term or impact and/or implementation bargaining are encouraged to send a notice to FMCS if assistance is desired. Such notice may be sent by either party or may be submitted jointly. In regard to such notices a brief listing should be general in nature e.g., smoking policies, or Alternative Work Schedules (AWS).

(c) Parties requesting grievance mediation must send a request signed by both the union and the agency involved. Receipt of such request does

not commit FMCS to provide its services. FMCS has the discretion to determine whether or not to perform grievance mediation, as such service may not be appropriate in all cases.

(d) The guidelines for FMCS grievance mediation are:

(1) The parties shall submit a joint request, signed by both parties requesting FMCS assistance. The parties agree that grievance mediation is a supplement to, and not a substitute for, the steps of the contractual grievance procedure.

(2) The grievant is entitled to be present at the grievance mediation conference.

(3) Any times limits in the parties labor agreement must be waived to permit the grievance to proceed to arbitration should mediation be unsuccessful.

(4) Proceedings before the mediator will be informal and rules of evidence do not apply. No record, stenographic or tape recordings of the meetings will be made. The mediators notes are confidential and content shall not be revealed.

(5) The mediator shall conduct the mediation conference utilizing all of the customary techniques associated with mediation including the use of separate caucuses.

(6) The mediator had no authority to compel resolution of the grievance.

(7) In the event that no settlement is reached during the mediation conference, the mediator may provide the parties either in separate or joint session with an oral advisory opinion.

(8) If either party does not accept an advisory opinion, the matter may then proceed to arbitration in the manner

form provided in their collective bargaining agreement. Such arbitration hearings will be held as if the grievance mediation effort had not taken place. Nothing said or done by the parties or the mediator during the grievance mediation session can be used during arbitration proceedings.

(9) When the parties choose the FMCS grievance mediation procedure, they have agreed to abide by these guidelines established by FMCS, and it is understood that the parties and the grievant shall hold FMCS and the mediator appointed by the Service to conduct the mediation conference harmless of any claim of damages arising from the mediation process.

BILLING CODE 6732-01-M

FMCS FORM F-53  
REVISED 5-92Form Approved  
OMB No. 3076-0005  
Exp. NOV. 1997**FEDERAL SECTOR LABOR RELATIONS  
NOTICE TO FEDERAL MEDIATION AND CONCILIATION SERVICE**MAIL  
TO:NOTICE PROCESSING UNIT  
FEDERAL MEDIATION AND CONCILIATION SERVICE  
2100 K STREET N.W.  
WASHINGTON D.C. 20427**THIS NOTICE IS IN REGARD TO: (MARK "X")**

- ① ☐ AN INITIAL CONTRACT (INCLUDE FLRA CERTIFICATION NUMBER) # \_\_\_\_\_  
☐ A CONTRACT REOPENER REOPENER DATE \_\_\_\_/\_\_\_\_/\_\_\_\_  
☐ THE EXPIRATION OF AN EXISTING AGREEMENT EXPIRATION DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

☐ OTHER REQUESTS FOR THE ASSISTANCE OF FMCS IN BARGAINING (MARK "X")

- ② SPECIFY TYPE OF ISSUE(S):

- ③ ISSUE(S): ☐ REQUEST FOR GRIEVANCE MEDIATION (SEE ITEM # 10) (MARK "X")

- ④ NAME OF FEDERAL AGENCY\* NAME OF SUBDIVISION OR COMPONENT, IF ANY
- STREET ADDRESS OF AGENCY CITY STATE ZIP
- AGENCY OFFICIAL TO BE CONTACTED AREA CODE & PHONE NUMBER

- ⑤ NAME OF NATIONAL UNION OR PARENT BODY NAME AND / OR LOCAL NUMBER
- STREET ADDRESS CITY STATE ZIP
- UNION OFFICIAL TO BE CONTACTED AREA CODE & PHONE NUMBER

- ⑥ LOCATION OF NEGOTIATIONS OR WHERE MEDIATION WILL BE HELD
- STREET ADDRESS CITY STATE ZIP

- ⑦ APPROX. # OF EMPLOYEES IN BARGAINING UNIT(S) >> \_\_\_\_\_ IN ESTABLISHMENT >> \_\_\_\_\_

- ⑧ THIS NOTICE OR REQUEST IS FILED ON BEHALF OF (MARK "X") ☐ UNION ☐ AGENCY

- ⑨ NAME AND TITLE OF OFFICIAL(S) SUBMITTING THIS NOTICE OR REQUEST AREA CODE & PHONE NUMBER
- STREET ADDRESS CITY STATE ZIP

**FOR GRIEVANCE MEDIATION, THE SIGNATURES OF BOTH PARTIES ARE REQUIRED:\***

- ⑩ SIGNATURE (AGENCY) DATE SIGNATURE (UNION) DATE

\*Receipt of this form does not commit FMCS to offer its services. Receipt of this form will not be acknowledged in writing by FMCS. While use of this form is voluntary, its use will facilitate FMCS service to respondents. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to FMCS Division of Administrative Services, Washington, D.C. 20427, and to the Office of Management and Budget, Paperwork Reduction Project. Washington, D.C. 20603

For Instructions, see back.

**Instructions**

Complete this form, please follow these instructions.

In *item # 1*. Check the block and give the date if this is for an existing agreement or reopener. The FLRA Certification number should be provided if available. If not known, please leave this item blank. Absence of this number will not impede processing of the Form.

In *item #2*. If other *assistance* in bargaining is requested please specify: e.g.; impact and implementation bargaining (I&I) and/or mid-term bargaining and provide a brief listing of issues, e.g. Smoking, Alternative Work Schedules (AWS), ground rules, office moves, or if desired, add attached list. This is only if such issues are known at time of filing.

In *item #3*. Please specify the issues to be considered for grievance mediation. Please refer to FMCS guidelines for processing these requests. Please make certain that both parties sign this request!

In *item #4*. List the name of the agency, as follows: The Department, and the subdivision or component. For example: U.S. Dept. of Labor, BLS, or U.S. Dept. of Army, Aberdeen Proving Ground, or Illinois National Guard, Springfield Chapter. If an independent agency is involved, list the agency, e.g. Federal Deposit Insurance Corp. (FDIC) and any subdivision or component, if appropriate.

In *item #5*. List the name of the union and its subdivision or component as follows: e.g. Federal Employees Union, Local 23 or Government Workers Union, Western Joint Council.

In *item #6*. Provide the area where the negotiation or mediation will most likely take place, with zip code, e.g., Washington, D.C. 20427. The zip code is important because our cases are routed by computer through zip code, and mediators are assigned on that basis.

In *item #7*. Only the *approximate* number of employees in the bargaining unit and establishment are requested. The establishment is the entity referred to in item 4 as name of subdivision or component, if any.

In *item #8*. The filing need only be sent by one party unless it is a request for grievance mediation. (See item 9.)

In *item #9*. Please give the title of the official, phone number, address, and zip code.

In *item #10*. Both labor and management signatures are required for grievance mediation requests.

**Notice**

Send original to F.M.C.S.

Send one copy to opposite party.  
Retain one copy for party filing notice.

[FR Doc. 95-472 Filed 1-9-95; 8:45 am]

BILLING CODE 6732-01-M

**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement****30 CFR Part 936****Oklahoma Regulatory Program**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Final rule, approval of amendment.

**SUMMARY:** OSM is approving, with additional requirements, a proposed amendment to the Oklahoma regulatory program (hereinafter referred to as the "Oklahoma program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Oklahoma proposed to amend its program by revising its Bond Release Guidelines that include revegetation success standards and statistically valid sampling techniques, and guidelines for phase I, II, and III bond release. Oklahoma proposed revisions pertaining to ground cover; requirements for permanent impoundments, ponds, diversions, and treatment facilities; calculations for a technical success standard for productivity; criteria regarding the selection of test plots for demonstrating success of productivity on prime farmland cropland; the definition of "initial establishment of permanent vegetative cover;" the repair of rills and gullies as a normal husbandry practice; a technical document reference; and the correction of certain typographical errors. The amendment is intended to revise the Oklahoma program to be consistent with the corresponding Federal regulations.

**EFFECTIVE DATE:** January 10, 1995.

**FOR FURTHER INFORMATION CONTACT:** James H. Moncrief, Telephone: (918) 581-6430.

**SUPPLEMENTARY INFORMATION:****I. Background on the Oklahoma Program**

On January 19, 1981, the Secretary of the Interior conditionally approved the Oklahoma program. General background information on the Oklahoma program, including the Secretary's findings, the disposition of comments, and the

conditions of approval of the Oklahoma program can be found in the January 19, 1981, **Federal Register** (46 FR 4902). Subsequent actions concerning Oklahoma's program and program amendments can be found at 30 CFR 936.15, 936.16, and 936.30.

**II. Submission of Amendment**

On February 17, 1994, Oklahoma submitted a proposed amendment to its program pursuant to SMCRA (administrative record No. OK-959.01). Oklahoma submitted the proposed amendment with the intent of revising the State program to be consistent with the corresponding Federal standards. Oklahoma submitted the proposed amendment, in part, in response to required program amendments at 30 CFR 936.16 (a) through (i) and, in part, at its own initiative.

Oklahoma proposed to amend the Bond Release Guidelines that are referenced in Oklahoma Administrative Code (OAC) 460:20-43-46(a)(1) and 460:20-45-46(a)(1). Specifically, Oklahoma proposed to revise the Bond Release Guidelines at subsection I.E.3.b to require ground cover sufficient to control erosion for approved commercial or industrial land uses; subsection I.F.3.d to require, on areas previously disturbed by mining, that ground cover be at least 70 percent and sufficient to control erosion; subsection I.F.5.b to require that water discharged from permanent impoundments, ponds, diversions, and treatment facilities shall meet water quality effluent limitations; subsections II.B.2.d and III.B.2.d to reference Appendix O for the method for calculating a technical success standard for productivity on, respectively, pastureland and grazing land; subsection V.B.2.c to reference Appendix P for the method for calculating a technical success standard for productivity of row crops on prime farmland cropland; subsection V.B.2.d to add criteria regarding the selection of test plots for demonstrating success of productivity on prime farmland cropland; subsection V.B.2.e to reference Appendix O for the method for calculating a technical success standard for productivity of grain or hay crops on prime farmland cropland; subsection VI.B.2.e to reference Appendices P and Q for the methods for calculating technical success standards for productivity of, respectively, row crops and grain or hay crops on nonprime farmland cropland; Appendix A to add the definition of "initial establishment of permanent vegetative cover;" Appendices J and P to correct typographical errors; and Appendix V, to add a technical document reference.